

this Act provided, shall practice law shall be guilty of a misdemeanor, and on conviction thereof be fined not to exceed five hundred dollars, or be imprisoned for a period not to exceed six months, or both.

Sec. 49. If any section, sub-section, sentence or clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Sec. 50. The fact that there is no law providing for the efficient self-governing regulation of the State Bar of Texas, creates an emergency and an imperative public necessity requiring that the Constitutional rule requiring bills to be read on three several days shall be suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### NINETEENTH DAY.

Senate Chamber,  
Austin, Texas.

Friday, February 1, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Berkeley:

S. B. No. 405, A bill to be entitled "An Act creating a more efficient road system for Jeff Davis County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of Jeff Davis County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senators Cousins and Woodul:

S. B. No. 406, A bill to be entitled "An Act authorizing the Gulf Refining Company to construct and maintain a bridge across Salt Bayou."

Read first time and referred to Committee on State Affairs.

By Senator Hyer:

S. B. No. 407, A bill to be entitled "An Act to amend Article 2784, Revised Statutes of 1925, to fix the maximum rate of tax to be levied for school purposes in all school districts including independent districts, consolidated districts,, rural high school districts and common school districts organized under general or special laws; repealing all laws in conflict herewith both general and special; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Parrish:

S. B. No. 408, A bill to be entitled "An Act to amend Section 10, Article 4331, Chapter 1, Title 70 of the 1925 Revised Civil Statutes of the State of Texas, providing that the Secretary of State shall distribute judicial reports to the Supreme Court library, and to State institutions of higher learning giving law and pre-law courses; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 409, A bill to be entitled "An Act amending Articles 6663 to 6674, both inclusive, of the Revised Civil Statutes of 1925 relating to highways and the Highway Department of the State of Texas; providing for a State Highway Commission to be composed of nine members, one of such members to be elected from each of nine different districts of the State described in the Act; providing for the calling of a special election to elect the commission provided for herein; providing the manner of their election, their term of office, compensation, bond, oath of office and duties; providing for a manager of said commission and fixing his compensation and requiring that he shall reside in Travis County during his tenure of office and devote his entire time to the duties of his office; providing for the appointment of district engineers and subordinate engineers; providing for a State Highway Engineer; providing for meetings of the Commission and for rules and regulations for the conduct of the work of the State Highway Department; providing for the collection of information and statistics in reference to the public roads;

providing for cooperation with cities and towns in connection with highways through such cities and towns and regulating the construction of highways through the same; providing for engineers and the rules and regulations necessary in connection with same; providing for a complete road map and a comprehensive plan for State highways; enacting necessary provisions with reference to funds appropriated by the Federal Government in connection with roads in this State and with reference to the taking over and maintenance of various State highways in Texas; providing for vacancies to be filled by the Governor occurring on the State Highway Commission; making better provision for Highway Department and for the improvement of highways in this State; enacting all things necessary and incidental to the main purpose and subject of this Act, whether mentioned in detail in this caption or not; enacting the necessary provisions to give counties a voice in road matters wherever such counties furnish moneys in connection with road work on State designated highways; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator McFarlane:

S. B. No. 410, A bill to be entitled "An Act reorganizing the State Penitentiary System; providing and defining the duties, powers and functions of the Prison Board; making provision for the sale of the Shaw Farm and the reorganization of the prison system in South Texas, on the Darrington Farm; authorizing the Board of Control to buy supplies and manufactured articles from the Prison System for the use of the State; providing for ways and means of assisting released prisoners to find employment; and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Hyer:

S. B. No. 411, A bill to be entitled "An Act regulating the making of bonds by depositories of school funds in independent school districts which embrace within their boundaries cities having a population of 75,000 or more according to the United States Census of 1920, and repealing

all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Williamson:

S. B. No. 412, A bill to be entitled "An Act amending H. B. No. 86, passed by the House February 18, creating the Sayers Independent School District; describing the boundaries thereof; providing a Board of Trustees for its government; specifically granting supervising exemptions to it; investing it with power to make oil leases; applying General Laws to it; retaining its assets and liabilities and tax rate; and carrying the emergency clause."

Read first time and referred to Committee on Educational Affairs.

By Senators Woodward and Hornsby:

S. B. No. 413, A bill to be entitled "An Act defining motor carrier and placing such motor carriers under the regulation of the Railroad Commission of Texas; providing for the classification of motor carriers into classes and providing that every motor carrier in order to operate on the public highways must have a permit or certificate of public convenience and necessity; providing, further, that such motor carriers may not operate without filing with the Railroad Commission of Texas a bond or insurance policy which will protect the public for injuries or loss resulting from such operation; declaring that such motor carriers are common carriers and giving to the Railroad Commission the power to regulate the routes and rates, schedules, service and safety of such motor carriers; providing for hearings on application for permits and certificates of convenience and providing for repeal from the decisions of the Railroad Commission; providing for the attendance and fees for witnesses at public hearings; making the violation of any provision of this Act a misdemeanor and imposing a penalty; providing for the recovery of penalties by the State for the violation of the rules and orders of the Commission and providing for the remedy of injunction to enforce the Act; providing license fees for the creation of a fund for administering the Act and providing a portion from sales of certificates shall go to the State Treasury for the benefit of the State Highway Fund; providing

for the issuance of special identification plates for motor carrier vehicles and prescribing the fees therefor; appropriating a fund for the administration of the Act in the event revenues from licenses are insufficient for that purpose; granting to the Railroad Commission power to prescribe rules and regulations that may be necessary to make the Act effective; repealing all laws and parts of laws in conflict therewith and providing that invalidity of one part shall not effect the validity of the remaining portions of the Act; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Greer:

S. B. No. 414, A bill to be entitled "An Act creating a more efficient road system for Freestone County, Texas; providing that the County Commissioners shall be Road Commissioners of their respective precincts; providing that such Commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the Commissioners' Court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the Commissioners' Court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts, to be paid for partly by the county and partly by the State or Federal Government; authorizing the Commissioners' Court of Freestone County to issue bonds of said county for the purpose of funding or refunding indebtedness in the sum of \$53,431.59 incurred prior to January 1, 1921, and being balance of principal unpaid on those certain five issues of funding warrants issued by Commissioners' Court of Freestone County, Texas, against road and bridge fund of said county, for road and bridge purposes, and to levy a tax in payment thereof; and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the Commissioners' Court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be

valid; providing that this act shall be cumulative of all other special road laws for Freestone County; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

#### Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 225.	S. B. No. 144.
S. B. No. 184.	S. B. No. 143.
S. B. No. 145.	

#### Senate Bill No. 85.

On motion of Senator Parrish, the House substitute bill for S. B. No. 85 was concurred in by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

#### Senate Bill No. 172.

On motion of Senator Hyer, the Senate voted to concur in the House Amendment to S. B. No. 172 by the following vote:

Yeas—30.

Beck.	Hyer.
Berkeley.	Love.
Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.

Russek.	Williamson.
Small.	Wirtz.
Stevenson.	Witt.
Thomason.	Woodul.
Westbrook.	Woodward.

Absent—Excused.

Neal.

#### Senate Bill No. 186.

On motion of Senator Holbrook, the Senate voted to concur in the House amendment to S. B. No. 186 by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

#### Simple Resolution No. 58.

Senator Berkeley sent up the following resolution:

Whereas, pursuant to a provision in the Federal appropriation act for the United States Department of Agriculture for the fiscal year ending June 30, 1929, the Secretary of Agriculture of the United States has made a report to the Speaker of the House of Representatives of the United States under date of December 26, 1928, transmitting a report on investigations made by the Department of Agriculture as to the feasibility of a ten year co-operative program for the control of predatory animals within the United States, with the estimated cost; and

Whereas, such ten-year program if carried out would be of great benefit to the agricultural and stock raising industries of the country and particularly of Texas.

Now Therefore, Be It Resolved by the Senate of the State of Texas:

That this Senate endorses heartily the ten-year program as outlined by

the Secretary of Agriculture and urges that Congress take the proper action and make adequate appropriations so that said program may be carried out.

The resolution was read and adopted.

#### Senate Bill No. 61.

The Chair laid before the Senate on its third reading and final passage:

S. B. No. 61, A bill to be entitled "An Act to amend Article 3932 of the Revised Civil Statutes of Texas, 1925, relating to county clerks and their compensation for ex officio and other public services rendered so as to provide that the total amount paid the county clerk in one year shall not be less than fifty, nor more than fifteen hundred dollars, and declaring an emergency."

The bill was read third time and passed to engrossment.

#### Senate Bill No. 65.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 65, A bill to be entitled "An Act to amend Article 3887 of the Revised Civil Statutes of 1925, relating to the fees of the county attorney in any county having a population in excess of one hundred thousand inhabitants where there is no district attorney, so as to include any county having less than one hundred thousand inhabitants but containing a city with a population in excess of forty-four thousand inhabitants where there is no district attorney, providing a maximum compensation payable to him out of the fees collected by such county attorney, authorizing reimbursement out of fees collected for certain expenses and authorizing the employment by such county attorney or assistants, investigators, and stenographers, fixing their salaries and providing a method of payment thereof, and providing that such county attorney may collect fees for services rendered in corporation courts and specifying such fees, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 65, was put on its second reading the following sage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read second time finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Hornsby.	Woodward.

Absent—Excused.

Neal.

#### Senate Bill No. 103.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 103, A bill to be entitled "An Act to amend Article 5420, Chapter 7, Title 86, of the Revised Civil Statutes of Texas, 1925, by providing that the venue of all suits instituted by the Attorney General for the recovery of any public lands for and on behalf of the State as against any defendant in actual possession of such land claiming the same under grant or sale from the State and claiming the land in controversy to be within the boundaries of the grant or within the field notes

of the land sold and the issue of boundary is the principal issue in the case shall be in the county where the land or some part thereof is situated, repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time.

On motion of Senator Small, the bill was laid on the table subject to call.

#### Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives.  
Austin, Texas, Feb. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 11. Providing for the printing of the Legislative Manual.

H. C. R. No. 12, Providing for a committee to investigate the purchase of certain lands.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

February 1, 1929.

To the Senate of the State of Texas,  
Capitol.

Gentlemen:

I hand you herewith list of persons appointed by me to the office set opposite their names, and for the statutory term of office next ensuing, subject to the confirmation by the Senate, viz:

Board of Directors, Texas Technological College: Mrs. F. N. Drane, Navarro County; Mr. John W. Carpenter, Dallas, County; Mr. F. E. Clarity, Tarrant County.

Texas State Board of Examiners in Optometry: Mr. H. G. Towle, Scurry County; Mr. D. L. Wortsman, Dallas, County.

State Board of Nurse Examiners: Sister Mary Charles Wolfe, Potter County.

State Board of Public Accountancy: W. D. Prince, Dallas County; J. A. Phillips, Harris County; Frank G. Rodgers, Bexar County; T. L. Wilcox, McLennan County; Y. D. Harrison, Jr., Tarrant County.

State Prosecuting Attorney: A. A. Dawson, Van Zandt County.

Respectfully submitted,

DAN MOODY, Governor.

#### Senate Bill No. 93.

Senator Greer called up from the table, the following bill:

S. B. No. 93, A bill to be entitled "An Act to amend Article 2889A, Revised Statutes 1925, relating to certification of teachers in the public free school; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time.

Senator Miller sent up the following amendment:

Amend S. B. No. 93, Page 1, printed bill by inserting the following words between the figures and letter "2889-A" and the word "any" to-wit: "Any person who for ten years or more has been the holder of a State First Grade Certificate or its equivalent, and who can furnish evidence of successful experience in teaching in the public schools for ten or more sessions subsequent to September 1, 1910, shall be entitled to receive a State Permanent First Grade Certificate."

MILLER.

Senator Greer, representing the author of the bill, sent up the following corrective amendment:

Amend S. B. No. 93 by adding to Section 1 the following: "The provisions of this Article as herein amended shall take effect on and after September 1, 1929, and this Act shall not affect the validity of certificates which have been issued under authority of said Article and all such certificates shall remain in full force and effect."

GREER.

The amendment was read and adopted.

Senator Pollard moved that further consideration of the bill be indefinitely postponed.

Senator Greer moved to table the motion. The motion was lost by the following vote:

## Yeas—12.

Beck.	McFarlane.
Gainer.	Small.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodward.

## Nays—18.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Miller.	Wirtz.
Moore.	Woodul.

## Absent—Excused.

Neal.

The motion to indefinitely postpone prevailed by the following vote:

## Yeas—16.

Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Holbrook.	Stevenson.
Miller.	Thomason.
Moore.	Wirtz.
Parr.	Woodul.

## Nays—13.

Beck.	McFarlane.
Greer.	Small.
Hardin.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodward.
Martin.	

(Pair Recorded.)

Senator Berkeley (present), who would vote yea with Senator Neal (absent), who would vote nay.

## H. C. R. No. 11.

The Chair laid before the Senate, the following resolution:

H. C. R. No. 11, relating to the printing of the Legislative Manual. The resolution was read.

Senator McFarlane sent up the following amendment:

Amend H. C. R. No. 11 by adding after paragraph 5 the following: "Provided further that the Secretary of the Senate shall furnish the nec-

essary information for said manual on behalf of the Senate and Speaker of the House shall appoint same person to furnish the necessary information on behalf of the House for said manual, all of said information to be furnished at once in order that the manual be made available for the members this session."

McFARLANE.

The amendment was read and adopted.

The resolution as amended was adopted.

## H. C. R. No. 12.

The Chair laid before the Senate, the following resolution:

H. C. R. No. 12, relating to the purchase of additional land for the Juvenile Training School at Gatesville, Texas.

The resolution was read and referred to the Committee on Finance.

## Senate Bill No. 137.

Senator Pollard received unanimous consent to take up out of its regular order the following bill:

S. B. No. 137, A bill to be entitled "An Act to prevent any person from receiving, possessing, owning or having under his control or management in this State any bomb, machine gun, infernal machine designed to destroy human life or cause bodily injury, or any machine or instrumentality containing explosives designed to destroy human life or cause bodily injury and which is not reasonably designed or suitable for any useful purpose; and declaring an emergency."

The bill was read second time.

Senator Hyer sent up the following amendment:

Provided: No provision of this Act shall apply to shot-guns, rifles, pistols and other small arms used for hunting, trap-shooting, mark-shooting, and other sporting purposes.

HYER.

The amendment was adopted.

The bill as amended passed to engrossment.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 137 was put on its third reading and final passage, by the following vote:

## Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

## Absent—Excused.

Neal.

Read third time and finally passed  
by the following vote:

## Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

## Absent—Excused.

Neal.

## Recess.

On motion of Senator Holbrook,  
the Senate at 12:00 o'clock noon,  
recessed until 2:30 o'clock p. m.

## After Recess.

The Senate was called to order at  
2:30 o'clock p. m., pursuant to re-  
cess, by Lieutenant Governor Barry  
Miller.

## Messages From the House.

The Chair recognized the Door-  
keeper, who introduced a messenger  
from the House with the following  
messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bill with  
amendment:

S. B. No. 83, A bill to be entitled  
"An Act abolishing the office of  
Game, Fish and Oyster Commissioner  
and creating the Game, Fish and  
Oyster Commission; vesting all of  
the authority, powers and functions  
of said Commissioner in the Game,  
Fish and Oyster Commission created  
and provided for in this Act; pro-  
viding for the appointment, compen-  
sation, bond, duties and functions of  
said Game, Fish and Oyster Commis-  
sion; providing for an executive sec-  
retary, assistant executive secretary  
to be appointed by the Commission  
and providing for all necessary game  
and fish wardens, division heads and  
other employees of said Game, Fish  
and Oyster Commission; changing  
the laws of the State of Texas in  
such respects as shall be necessary  
in order to carry out the purposes  
of this Act; enacting the necessary  
matters and things incidental to the  
purpose and subject of this Act;  
making the necessary appropriation  
out of the State Treasury; providing  
when this Act shall take effect, de-  
claring the rule of construction, re-  
pealing all laws and parts of laws in  
conflict herewith, and declaring an  
emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills:

H. B. No. 85, A bill to be entitled  
"An Act to amend Chapter 176 of  
the General Laws of the Thirty-  
eighth Legislature so as to increase  
the salary of the judge of the county  
court of Dallas County at Law No. 1,  
and the judge of the county court of  
Dallas at Law No. 2, from thirty-  
six hundred (\$3,600) dollars per  
annum to five thousand (\$5,000)  
dollars per annum: prescribing the



method of payment, and declaring an emergency."

H. B. No. 36, A bill to be entitled "An Act to amend Article 2117 of the Revised Civil Statutes in reference to the manner of summoning jurors."

H. B. No. 89, A bill to be entitled "An Act to amend Section 10 of Chapter 25. of the General and Special Laws of the Regular Session of the Fortieth Legislature, so as to increase the salary of the judge of the county criminal court of Dallas County, Texas, to five thousand (\$5,000) dollars per year, and to declare an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 297.

Senator Love received unanimous consent to take up out of its regular order the following bill:

S. B. No. 297, A bill to be entitled "An Act amending Articles 4275 and 4276 of the Revised Civil Statutes of 1925; designating the securities in which the funds of life insurance companies may be invested; providing that if a domestic life insurance company reinsures the business and takes over the assets of a foreign life insurance company, the investments of such company so taken over and reinsured, if authorized, when made by the laws of the State of its incorporation, shall be considered as valid securities of the domestic company so taking it over; providing that the provisions of this Act shall not invalidate any investments heretofore made by a domestic life insurance company, if such investments were legally authorized when made; defining "Texas Securities" and declaring an emergency."

The committee substitute was adopted.

The bill was read second time.

Senator Love sent up the following amendment:

Amend Committee Substitute for S. B. No. 297, by adding at the end of Section 2 the following: "And upon the condition that the Board of Insurance Commissioners shall have the power to require the re-insuring company to dispose of such investments upon such notice as it may deem reasonable."

LOVE.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 297 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Hornsby.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Holbrook.	Pollard.
Hyer.	

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Wirtz.
Hornsby.	Williamson.
Love.	Witt.
Martin.	Westbrook.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Hyer.	Pollard.
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Absent—Excused.

Neal.

Bill Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing.

and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 48.

**Senate Bill No. 83.**

Senator Greer moved that the Senate concur in the House amendment to S. B. No. 83.

As a substitute, Senator Wirtz moved that the substitute bill be printed in the Journal and passed until Monday. The motion prevailed.

**Motion to Reconsider.**

Senator Woodward moved that the Senate reconsider the vote by which the House amendment to S. B. No. 83 was ordered printed in the Journal and passed to Monday. The motion prevailed.

Senator Woodward moved to concur in the House amendment. The motion prevailed.

**Senate Bill No. 398 Re-Referred.**

On motion of Senator Wirtz, S. B. No. 398 was withdrawn from the Committee on State Highways and Motor Traffic and re-referred to the Committee on State Affairs.

**Senate Bill No. 125.**

Senator Moore received unanimous consent to take up out of its regular order, the following bill:

S. B. No. 125, A bill to be entitled "An Act to grant power to either member of the Railroad Commission or any employee designated by the Railroad Commission of whatever nature to hold hearings and investigations and make a record thereof for the use and benefit of the Railroad Commission the same as if the entire Commission were present, and granting to such Commissioner or designated employee power to administer oaths, certify to official acts, compel the attendance of witnesses and the production of papers, waybills, books, accounts, and punish for contempt, providing for the introduction and consideration of said testimony by the Commission, and declaring an emergency."

The bill was read second time.

Senator Moore sent up the following amendment:

Amend the bill by striking out

Section 1 thereof and inserting in lieu of the same the following:

"Section 1. Any member of the Railroad Commission of Texas or any authorized employee thereof designated by the Commission for that purpose shall have power in all cases coming before the Commission to hold hearings and conduct investigations and to make a record thereof for the use and benefit of the Commission, the same as if the entire Commission were present, and such commissioner or designated employee is hereby given the authority to administer oaths, certify to all official acts, and compel the attendance of witnesses and the production of papers, waybills, books, accounts, and all other pertinent documents and testimony, and said record when so made and properly certified to by such commissioner or employee, shall have the same force and effect as if made before the Commission, and cases in which such records are made shall be determined by the Commission as if the record had been made before the Commission itself.

"Any person who shall, in any way, refuse to comply with any provision of this Act or any person who shall, in any way, undertake to obstruct or interfere with any proceeding under this Act, shall be subject to punishment for contempt by the Commission.

"This Act shall be cumulative of all other laws conferring jurisdiction and authority upon the Railroad Commission."

MOORE.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 125 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Love.
DeBerry.	Martin.
Gainer.	McFarlane.
Greer.	Miller.

Moore.	Thomason.
Parr.	Westbrook.
Parrish.	Williamson.
Patton.	Wirtz.
Russek.	Witt.
Small.	Woodul.
Stevenson.	Woodward.

Absent.

Hyer. Pollard.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Hyer. Pollard.

Absent—Excused.

Neal.

**House Bills Referred.**

H. B. No. 36, referred to Committee on Civil Jurisprudence.

H. B. No. 85, referred to Committee on State Affairs.

H. B. No. 89, referred to Committee on State Affairs.

**Senate Bill No. 141.**

Senator Moore received unanimous consent to take up out of its regular order, the following bill:

S. B. No. 141, A bill to be entitled "An Act to provide the manner of placing names of candidates on official ballots at special elections; making general election laws applicable to special elections except where otherwise provided; determining the order of names on ballots; making provision for the returns of special elections; issuing certificates of elec-

tions; making said Act apply only to special elections; providing the same shall be cumulative of existing laws and making provision for conflicts; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 141 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Hyer. Pollard.

Absent—Excused.

Neal.

The bill was read third time and finally passed, by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Witt.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Hyer. Pollard.

Absent—Excused.

Neal.

**Senate Bill No. 175.**

Senator Moore received unanimous consent to take up out of its regular order, the following bill:

S. B. No. 175, A bill to be entitled "An Act to amend Article 602 of the Penal Code of the State of Texas, 1925, so as to make the offense of desertion of wife or child a felony, providing a penalty therefor; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 175 was put on its third reading and final passage, by the following vote:

**Yeas—28.**

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

**Absent.**

Hyer. Pollard.

**Absent—Excused.**

Neal.

The bill was read third time and finally passed, by the following vote:

**Yeas—26.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

**Nays—1.**

Cunningham.

**Absent.**

Hardin. Pollard.  
Hyer.

**Absent—Excused.**

Neal.

**Message from the Governor.**

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

To the Members of the Forty-first Legislature:

I am in receipt of the following telegram from the Honorable W. J. Holloway, Acting Governor of Oklahoma:

"The Senate and House of Representatives of Oklahoma today unanimously passed Senate Concurrent Resolution No. 5 authorizing the appointment of Committees from both Houses to confer with like Committees from the State of Texas relative to the boundary question One Hundredth Meridian in order that action may be taken wherein the rights of the residents of the State of Oklahoma and the State of Texas be equitably adjusted. The Oklahoma Committees plan to arrive in Austin not later than Saturday noon, will you please recommend to your Legislature the passage of a similar resolution authorizing the appointment of committees which will confer with our committees on their arrival. Will you please wire me as soon as possible your action in the premises?"

I have conferred with the Attorney General, who is keeping in touch with the surveying of the One Hundredth Meridian, and he advises that he sees no objection to a meeting of a Committee of the Texas Legislature with the Committee appointed by the Legislature of Oklahoma.

Respectfully submitted,  
DAN MOODY.

**S. C. R. No. 15.**

Senator McFarlane sent up the following resolution:

Whereas, the Legislature of the State of Oklahoma has unanimously passed a concurrent resolution authorizing the appointment of a committee from both the House and

Senate to confer with like committees from the State of Texas relative to the boundary question, 100 meridian, in order that action may be taken wherein the rights of the residents of the State of Oklahoma and the State of Texas be equitably adjusted; and,

Whereas, the committees of the State of Oklahoma will arrive at Austin not later than Saturday noon, February 2, 1929, to confer with the Legislature of Texas relative to this matter; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, that a committee be appointed by the Senate and the House, consisting of three members of the Senate, to be appointed by the President of the Senate, and five members of the House, to be appointed by the Speaker of the House, to confer with the committee of the Legislature of the State of Oklahoma regarding the boundary matter.

McFarlane, Small, Witt, Gainer, Parrish, Greer.

Read and adopted.

#### Motion to Reconsider.

Senator Miller moved to reconsider the vote by which S. B. No. 125 was finally passed. The motion prevailed by the following vote:

#### Yeas—13.

Beck.	McFarlane.
Cousins.	Miller.
Cunningham.	Patton.
DeBerry.	Stevenson.
Gainer.	Westbrook.
Holbrook.	Williamson.
Martin.	

#### Nays—12.

Berkeley.	Parr.
Greer.	Parrish.
Hardin.	Small.
Hornsby.	Thomason.
Love.	Witt.
Moore.	Woodul.

#### Absent.

Hyer.	Wirtz.
Pollard.	Woodward.
Russek.	

#### Absent—Excused.

Neal.

Senator Cousins sent up the following amendment:

Amend the amendment to S. B. No. 125, Line 4, by striking out the words "or any authorized employee thereof."

COUSINS.

The amendment was read.

Senator Witt sent up the following amendment to the amendment:

Amend the amendment by adding the words "or in highway matters the Director of the Motor Bus Division," or "in oil and gas matters, the Chief of the Oil and Gas Division."

WITT.

The amendment to the amendment was read and adopted by the following vote:

#### Yeas—22.

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Stevenson.
Gainer.	Thomason.
Greer.	Westbrook.
Hardin.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodward.

#### Nays—5.

Holbrook.	Small.
Moore.	Woodul.
Parr.	

#### Absent.

Hyer.	Russek.
Pollard.	

#### Absent—Excused.

Neal.

Senator Moore sent up the following substitute for the amendment by Senator Cousins:

Amend Substitute S. B. 125, Line 2 of the typewritten bill between the words "authorized" and "employee," the words: "efficient and qualified."

MOORE,  
HORNSBY.

Senator Holbrook moved to table the substitute amendment. The motion to table prevailed.

Senator Holbrook moved to table the original amendment. The motion to table prevailed by the following vote:

## Yeas—15.

Beck.	Parrish.
Greer.	Patton.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Woodul.
Moore.	Woodward.
Parr.	

## Nays—10.

Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Stevenson.
DeBerry.	Williamson.
Gainer.	Witt.

## Absent.

Hyer.	Russek.
Martin.	Wirtz.
Pollard.	

## Absent—Excused.

Neal.

The bill was passed finally by the following vote:

## Yeas—17.

Beck.	Parrish.
Berkeley.	Patton.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Witt.
Love.	Woodul.
Moore.	Woodward.
Parr.	

## Nays—8.

Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Stevenson.
Gainer.	Williamson.

## Absent.

Hyer.	Russek.
Martin.	Wirtz.
Pollard.	

## Absent—Excused.

Neal.

## Executive Session Announced.

On motion of Senator Williamson, the Senate voted to go into executive session Saturday morning at 11:00 o'clock a. m., to consider nominations by the Governor.

## Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 15, providing for the appointment of a committee from the House and Senate to confer with a committee from the State of Oklahoma. The following are appointed on the part of the House:

Young, Land, White, Storey, Warwick.

Respectfully submitted.

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

## Committee Appointed.

The Chair announced the appointment of Senators McFarlane, Small and Woodward on the part of the Senate in accordance with S. C. R. No. 15.

## Senate Bill No. 370.

Senator Parr moved to take up out of its regular order S. B. No. 370. The motion prevailed by the following vote:

## Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

## Nays—1.

Westbrook.

Absent.

Greer.	Russek.
Hyer.	Wirtz.
Pollard.	

## Absent—Excused.

Neal.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 370, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties by providing for a salary of \$3,600 to be paid the county commissioners of counties having an assessed valuation of \$44,502,489.00 according to the last approved roll filed in the office of the State Comptroller, repealing laws in conflict herewith and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 370 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Small.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent.

Greer.	Russek.
Hyer.	Wirtz.
Pollard.	

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Small.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Nays—1.

Miller.

Absent.

Greer.  
Hyer.  
Pollard.

Russek.  
Wirtz.

Absent—Excused.

Neal.

**Committee Employees Appointed.**

The Chair announced that, on request of the Committee on the Highway and Board of Control investigation, he would appoint Jim Adams Sergeant-at-Arms, and John H. Trigg page to this committee.

**Senate Bill No. 112.**

The Chair laid before the Senate on second reading the following bill:

S. B. No. 112, A bill to be entitled "An Act to amend Article 2547 of Chapter 2, Title 47 of the Revised Civil Statutes of the State of Texas, relating to the collateral security to be pledged by depositories for securing county funds, by depositing with the commissioners' court a depository bond, or by pledging with the commissioners' court bonds and certificates of indebtedness of the United States, bonds of the State of Texas, obligations and pledges of the University of Texas, bonds of any county, city, town, independent school district, or bonds issued under the Federal Farm Loan Act or road district bonds, and declaring an emergency."

On motion of Senator Holbrook, this bill was laid on the table subject to call.

**Senate Bill No. 285.**

Senator Holbrook received unanimous consent to take up out of its regular order the following bill:

S. B. No. 285, A bill to be entitled "An Act amending Article 4584 of the Revised Civil Statutes of 1925, so as to repeal that portion of the law which prevents unclaimed dead bodies at certain eleemosynary institutions of this State from being turned over to the Anatomical Board of the State of Texas to be used in the advancement of medical science; the purpose of this Act being to permit unclaimed dead bodies at certain state eleemosynary institutions to be

used for such purposes as provided in Chapter 13 of Title 71 of the Revised Civil Statutes of 1925; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 285 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Witt.
Love.	Woodul.
Martin.	Woodward.

Nays—2.

Miller. Westbrook.

Absent.

Hyer. Russek.  
Pollard. Wirtz.

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Witt.
Love.	Woodul.
Martin.	Woodward.

Nays—2.

Miller. Westbrook.

Absent.

Hyer. Russek.  
Pollard. Wirtz.

Absent—Excused.

Neal.

### Senate Bill No. 179.

Senator Westbrook received unanimous consent to take up out of its regular order the following bill:

S. B. No. 179, A bill to be entitled "An Act amending Article 3124 of the Revised Civil Statutes of 1925, so as to better regulate the making of returns and canvassing the result in primary elections; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 179 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent.

Hyer. Russek.  
Pollard. Wirtz.

Absent—Excused.

Neal.

Read third time and finally passed.

### Senate Bill No. 127.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 127, A bill to be entitled "An Act regulating the practice of medicine; amending Article 4495, Revised Civil Statutes of 1925, so as to provide for the Texas State Board of Medical Examiners and for the appointment of members of said Board, and prescribing their terms of office; amending Article 4498, Revised Civil Statutes of 1925, and Article 739 of the Penal Code of Texas as codified in 1925, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Beck the



constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 127 was put on its third reading and final passage by the following vote:

## Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

## Absent.

Hyer.	Russek.
Pollard.	Wirtz.

## Absent—Excused.

Neal.

Read third time and finally passed.

## Senate Bill No. 173.

Senator Witt received unanimous consent to take up out of its regular order the following bill:

S. B. No. 173, A bill to be entitled "An Act to amend Article 1320 of the Revised Civil Statutes of Texas of 1925 so as to authorize every private corporation to increase or diminish by vote or its stockholders cast as its by-laws may direct, the number of its directors or trustees, such number, however, to be not less than three, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several day was suspended and S. B. No. 173 was put on its third reading and final passage, by the following vote:

## Yeas—26.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cousins.	Love.
Cunningham.	Martin.
DeBerry.	McFarlane.
Gainer.	Miller.
Greer.	Moore.
Hardin.	Parr.

Parrish.	Westbrook.
Patton.	Williamson.
Small.	Witt.
Stevenson.	Woodul.
Thomason.	Woodward.

## Absent.

Hyer.	Russek.
Pollard.	Wirtz.

## Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

## Absent.

Hyer.	Russek.
Pollard.	Wirtz.

## Absent—Excused

Neal.

## Senate Bill No. 146.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 146, A bill to be entitled "An Act to amend Section 3 of Chapter 40 of the Fortieth Legislature, and to provide that the Commissioners for the aid and assistance of the Court of Criminal Appeals of Texas shall hold office for a term of six years from their appointment, and providing for the filling of any vacancy, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 146 was put on its third reading and final passage, by the following vote:

## Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

## Absent.

Hyer.	Russek.
Pollard.	Wirtz.

## Absent—Excused.

Neal.

The bill was read third time and finally passed.

## Senate Bill No. 215.

Senator Williamson received unanimous consent to take up out of its regular order the following bill:

S. B. No. 215, A bill to be entitled "An Act to amend Article 4632, of Chapter 4, of Title 75, of the Revised Civil Statutes, 1925, of the State of Texas, relating to the residence of plaintiffs in divorce suits, so as to extend the benefits of the divorce laws of the State of Texas to persons in the military and naval service of the United States, under certain circumstances, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 215 was put on its third reading and final passage, by the following vote:

## Yeas—26.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Love.	Westbrook.

Williamson.
Witt.

Woodul.
Woodward.

## Absent.

Hyer.	Russek.
Pollard.	Wirtz.

## Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—26.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

## Absent.

Hyer.	Russek.
Pollard.	Wirtz.

## Absent—Excused.

Neal.

## S. C. R. No. 16.

Senator Woodul sent up the following resolution:

Whereas, Senate Joint Resolution No. 7 has passed the Senate and been sent to the House, and

Whereas, it is necessary that such Resolution be recalled from the House in order that certain corrections may be made.

Therefore, be it resolved that the Senate, the House concurring, recall Joint Resolution No. 7 from the House.

## WOODUL.

The resolution was read and adopted.

## Recess.

On motion of Senator Woodward, the Senate, at 5:05 o'clock p. m., recessed until 10:00 o'clock Saturday morning.

## APPENDIX.

## Petitions and Memorials.

Whereas, The Fire Prevention Council of the City of Dallas, acting by and through its Legislative Committee, has prepared and endorsed a bill which seeks to amend the present laws of the State of Texas in connection with arson; and

Whereas, It is believed that such legislation will be helpful in reducing further fire losses in Dallas and Texas; now therefore be it

Resolved, By the Board of Commissioners of the City of Dallas and the said proposed amendment be endorsed, and that Dallas County Representatives in the Legislature be urged to do all within their power to see that such amendment is passed at the present session of the Legislature.

A. J. REINHART,

Acting Commissioner of Police and Fire.

Approved: January 30, 1929.

R. E. BURT,

Mayor.

Adopted.

State of Texas  
County of Dallas  
City of Dallas

I, Earl Goforth, City Secretary of the City of Dallas, Texas, do hereby certify that the above and foregoing is a true and correct copy of a resolution passed by the board of commissioners of the City of Dallas, Texas, January 30, 1929.

Witness my hand seal of the City of Dallas, Texas, this the 31st day of January 1929.

EARL GOFORTH,

City Secretary of the City of Dallas, Texas.

(SEAL).

## A BILL

## To Be Entitled

An Act to amend Title 17, Chapter 1, of the Penal Code of the State of Texas, and to amend Article 1306 of said Title and Chapter, and to amend Article 1316 of said Title and Chapter defining an attempt at arson and providing a penalty for violation of Article 1316 and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1306 of

the Penal Code of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature of 1925, be and the same is hereby amended and made hereafter to read as follows:

"Article 1306.—Offense complete, when—The burning is complete when the fire has actually been communicated to a house, though it may be neither destroyed nor seriously injured and the fact that the house has been burned shall be sufficient to establish the Corpus Delicti of the offense."

Sec. 2. That Article 1316 of said Penal Code defining an attempt at arson and prescribing a penalty for said offense be and is hereby amended so as to hereafter to be and read, as follows:

"Article 1316.—Any person who wilfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in furtherance thereof, shall upon conviction thereof be sentenced to the penitentiary for not less than one nor more than two years.

"The placing or distributing of any inflammable explosive or combustible material or substance, or any device in any building or property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually wilfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same shall, for the purpose of this act, constitute an attempt to burn such building or property."

Sec. 3. The fact that very much property in the State is being wilfully destroyed to the great damage of the public and that the present laws insufficiently describe the crime of arson, and insufficiently describe an attempt at arson, creates an emergency, and an imperative public necessity, that the constitutional rule requiring that bills be read on three separate days in each house be suspended, and requiring also that the constitutional rule that laws shall not take effect until a given time after the adjournment of the Legislature be suspended, and each of said constitutional rules are hereby suspended, and this Act

shall be in force and take effect from and after its passage.

Read and referred to Committee on Criminal Jurisprudence.

Chairman of Committee on Elections,  
Care Thomas B. Love,  
Austin, Texas.

Dear Sir:

At our regular meeting this week I was authorized by the local W. C. T. U. of Ennis, numbering 210 members of prominent and influential citizens to make an appeal in the interest of the "Freedom of Conscience Bill."

We are watching with deep interest the transactions of the Legislature and we are very anxious for this bill to pass and sincerely urge you to do all in your power for its passage.

Mrs. Fred Lawson, President; Mrs. J. C. Light, Vice President; Mrs. L. E. May, Vice President; Mrs. W. T. Fowler, Vice President; Mrs. T. R. Griffin, Secretary and Treasurer.

#### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 225 carefully examined and compared, and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 184 carefully examined and compared, and find the same correctly enrolled, and have this day, at 11 o'clock, a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 143 carefully examined and compared, and find the same correctly enrolled, and have this day at 11

o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 144 carefully examined and compared, and find the same correctly enrolled, and have this day at 11 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 145 carefully examined and compared, and find the same correctly enrolled, and have this day at 11 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 293 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 61 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 137 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 65, carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Jan. 31, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising to whom was referred:

S. B. No. 363, A bill to be entitled "An Act to provide for the eradication of contagious, infectious and communicable diseases among cattle, horses, mules, asses, sheep, goats, hogs, and other live stock, dogs, and fowls, and also other diseases; providing for the establishment of necessary quarantines and for the treatment, vaccination and testing of domestic animals; providing penalties for violation of quarantines established by the Live Stock Sanitary Commission and providing penalties for other violations of provisions of this Act; providing for the branding of cattle that show a positive reaction to the tuberculin test; providing for the appointment by the Live Stock Sanitary Commission of a Chief Veterinarian and Assistant Veterinarians and other persons necessary for carrying out and enforcing the provisions of this Act, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PARR, CHAIRMAN.

Committee Room,  
Austin, Texas, Jan. 31, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred,

S. B. No. 355, A bill to be entitled "An Act amending Section 25 of Chapter 122 of the General Laws of the Regular Session of the Thirty-ninth Legislature, relating to tick eradication among livestock so as to include Cherokee, Rusk, Panola and

Nacogdoches Counties in that territory in which systematic tick eradication work is carried on and provided for, the purpose of this Act being to add said Counties to that territory described in said Act as being west of the Brazos River and north and west of a line described in the Act as running from the northwest corner of Robertson County to the southeast corner of Harrison County as set out in detail in Section 25 of said Act as it now exists, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PARR, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 343, A bill to be entitled "An Act to give and grant to J. W. Howard and his wife, Maude Howard, leave and permission to prosecute in the proper courts of Houston County, Texas, suit against the State of Texas, and R. S. Sterling, Cone Johnson and W. R. Ely, as Highway Commissioners of the State of Texas, in their official capacity only, for personal injuries to the wife, Maude Howard, and damages to their automobile, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

S. B. No. 396, A bill to be entitled "An Act granting permission to H. E. Crofts to bring suit against the State of Texas in the District Court of Blanco County, Texas, for damages for the loss of 101 head of cattle by death caused by being dipped in an arsenical solution, under the provisions of the "Tick Eradication" law known as Chapter 122, Acts of Thirty-ninth Legislature of the State of Texas; fixing the venue, on whom service of process may be had; pro-

viding for the procedure, and that such suit shall be determined on the same principles of law which would be applicable to and govern were the defendant a private corporation; providing that such suit may be filed within two years after this Act takes effect; that such cause of action shall not be barred until two years after this Act takes effect, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

S. B. No. 102, A bill to be entitled "An Act relating to the practice of barbering; providing who shall practice barbering and who shall serve as a barber student and barber's assistant, and requiring the certificate as a registered barber and a certificate of registration as a student and assistant barber, and providing for qualifications of a barber and a student and assistant barber, and the qualifications of a barber and assistant barber shall possess in order to receive a certificate and to practice barbering; providing who are exempt from the provisions of this Act; the standard of education and the qualifications for certificates of registration as a registered barber and as a registered assistant barber; providing for the examination of applicants by a board for a certificate of registration; providing the age, character and habits of each person to whom a certificate may be issued as a practicing barber and as an assistant barber; providing for the issuance of a certificate of registration to a barber and an assistant barber from other States; providing that persons who for two years immediately preceding the taking effect of this Act have been continuously engaged in the practice of barbering and possessing the necessary qualifications may be granted a certificate of registration without examination upon paying the required fee; providing that an assistant barber who has been practicing as such under the supervision of a practicing

barber on and prior to the first day of September, 1929, by making application to the Board and paying the required fee shall be given credit for the time previously spent in such practice; providing for the renewal and restoration of certificates of registered barbers and registered assistant barbers; and fixing fees therefor; \* \* \* etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

S. B. No. 406, A bill to be entitled "An Act to authorize Gulf Refining Company to construct, maintain and operate a bridge across Salt Bayou in Jefferson County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred,

H. B. No. 175, A bill to be entitled "An Act to create Cameron County Drainage District No. 4 in Cameron County, Texas; validating and approving all orders made by the Commissioners' Court of said County in respect to the original organization of said district as a drainage district under Article 3, Section 52 of the Constitution; validating and approving all orders made by the Commissioners' Court of said County in converting said district without change of name or impairment of obligations to a Conservation and Reclamation District under Section 59 of Article 16 of the Constitution of the State of Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with rec-

ommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred,

S. B. No. 367, A bill to be entitled "An Act to create Willacy County Water Control and Improvement District No. 1, embracing lands in the Counties of Willacy and Hidalgo, in the State of Texas, as a conservation and reclamation district and body politic and corporate, under Section 59, Article 16, of the Constitution, and defining its boundaries; providing for Board of directors thereof; providing said district shall have and exercise all powers, authority, functions and privileges conferred by General Law on water control and improvement districts operating under Section 59, Article 16, Constitution, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 218, A bill to be entitled "An Act to amend Article 2763, Revised Statutes 1925, relating to the administration of the public schools in certain common school and independent school districts; repealing all laws in conflict except those relating to area and taxation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 385, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said Board; prescribing their qualifications, terms of service and duties; authorizing them to appoint a State Superintendent of Public Instruction and upon his recommendation and nomination to set up a State Department of Education and appoint its staff; and, in general, authorizing said Board to assume and discharge the duties assigned by law to the State Board of Education and the State Superintendent of Public Instruction, providing for an appropriation to pay the expenses of said Board; repealing all laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 384, A bill to be entitled "An Act to validate organization of certain independent school districts and validating the board of trustees of same, and providing that they shall have the powers conferred by the laws of this State applicable to such district, and validating all proceedings and acts of same heretofore taken and had as authorized by the school laws of this State; validating all bonds authorized and sold and now outstanding of said districts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 219, A bill to be entitled "An Act to amend Article 2676, Revised Statutes 1925, relating to election of County Boards of trustees;

repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 358, A bill to be entitled "An Act amendatory to Articles 2774, 2777, 28-8 and 2922e, Revised Statutes 1925, providing for the appointment or election and term of office of school trustees in all independent, consolidated and rural high school districts; adjusting the term of office of trustees now in office; providing for filling of all vacancies; providing for the date of first election under this Act; repealing all laws both general and special in conflict herewith and especially repealing Article 2782, Revised Statutes 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 21, A bill to be entitled "An Act to amend Chapter 181 of the General Laws of the Fortieth Legislature of the State of Texas (Regular Session), providing for the classification of elementary and high schools by the County Board of School Trustees; providing for free tuition for certain high school students; repealing Article 2678, Revised Statutes 1925, and all other laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the attached Committee Amendment.

HORNSBY, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 347, A bill to be entitled "An Act amending H. B. No. 299, Chapter 37, Acts of the Regular Session of the Thirty-fifth Legislature, 1917, amending Section 5 of said Act; providing for the creation and appointment of the Board of Equalization for the Sinton Independent School District, established in San Patricio County, Texas, by said Act of the Thirty-fifth Legislature; describing the qualifications for the members of said Board of Equalization; fixing its powers and duties, and providing for compensation for the members of said Board, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

S. B. No. 388, A bill to be entitled "An Act amending Article 879g as amended by Chapter 215 of the General and Special Laws of the Regular Session of the Legislature so as to close the deer season in certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

S. B. No. 397, A bill to be entitled "An Act amending Article 1970-122, Chapter 5, Title 41, Revised Statutes of Texas, 1925, by increasing the compensation of the Judge of the Court of Jefferson County at Law from Thirty-six Hundred (\$3,600.00)



Dollars to Forty-five Hundred (\$4,500.00) Dollars per annum; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred, S. B. No. 317, A bill to be entitled "An Act amending Articles 1595 and 1600 of the Revised Civil Statutes of 1925, as amended, providing that no county seat situated within five miles of the geographical center of any county shall be removed except by a vote of two-thirds of all the electors in said county voting on the subject; providing that no county seat shall be removed from a point more than five miles from the geographical center of any county to any other point more than five miles of the geographical center to any other point within five miles of such center, except by such two-thirds vote; providing who shall be entitled to vote at such election; providing the method of moving the county seat and providing how the geographical center of any county may be ascertained; providing when the change of the location of the county seat shall take place, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

S. B. No. 313, A bill to be entitled "An Act making better provision for the regulation of the sale and dealings in stocks, bonds and securities in this State, including any share, stock, treasury stock, stock certificate under a voting trust agreement, collateral trust certificate, preorganization certificate or receipt, sub-

scription or reorganization certificate, note, bond, debenture, mortgage certificate or other evidence of indebtedness, any form of commercial paper, certificate in or under a profit sharing or participation agreement, certificate of interest in or under an oil, gas, or mining lease or title, or any certificate or instrument representing or secured by any interest in any or all of the capital, property, assets, profits, or earnings of any company, investment contract, or any other instrument commonly known as a security, whether similar to those herein referred to or not, and providing for the registration of certain persons and companies dealing in securities; this Act being a Blue Sky Law superseding the present Blue Sky Law of this State; conferring powers and imposing duties on the Secretary of State and Attorney General and otherwise providing for the administration of this Act., etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred,

S. B. No. 309, A bill to be entitled "An Act providing for the sale by the Texas Prison Board of 5.72 acres of land adjoining the Imperial State Farm to Benjamin Clayton; regulating the manner, terms and price of the sale, authorizing and empowering the Texas Prison Board to make the sale and authorizing the Chairman or Vice-Chairman to execute a deed of conveyance to be attested by the Board's Secretary, and creating an emergency."

Have had the same under consideration and we beg leave to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

McFARLANE, Chairman.

By Sen. Woodul S. B. No. 309

A BILL

To Be Entitled

An Act providing for the sale by the Texas Prison Board of 5.72 acres of land adjoining the Im-

perial State Farm to Benjamin Clayton; regulating the manner, terms and price of the sale, authorizing and empowering the Texas Prison Board to make the sale and authorizing the Chairman or Vice-Chairman to execute a deed of conveyance to be attested by the Board's Secretary, and creating an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. The Texas Prison Board is hereby authorized to sell to Benjamin Clayton a certain 5.72 acre tract of land adjoining the Benjamin Clayton 1,000 acres out of the M. M. Battle League also adjoining the Imperial State Farm near Sugar Land, Fort Bend County, Texas, described by metes and bounds as follows, to-wit:

Beginning at the northeast corner of said Benjamin Clayton 1,000 acres, said corner being in the center of Bull Head Slough; thence North no deg. 2 min. East, 538 feet to a point in the south boundary line of State Highway No. 3; thence South 68 deg. 32 min. West 990 feet along said South boundary line of said Highway No. 3 to a point in the center of said Bull Head Slough; thence South 79 deg. 16 min. East with the meanders of aforesaid Bull Head Slough, 940 feet to the place of beginning, being 5.72 acres now attached to and constituting a part of the Imperial State Farm.

Sec. 2. The property herein mentioned shall be sold to Benjamin Clayton for cash at a price not less than One Hundred and Forty (\$140) Dollars per acre, and the Texas Prison Board is hereby authorized and empowered to make the sale, and at a price to be determined and fixed by an agreement between the Texas Prison Board and the said Benjamin Clayton, and when such sale is made the Chairman or Vice-President shall in the name of the Texas Prison Board execute and deliver to the purchaser a deed of conveyance to said property attested by the Secretary of the Board, which deed shall vest all the rights and title of the Board and State to the same in the purchaser thereof.

Sec. 3. The fact that the Texas Prison Board is now without authority to make such sale, and that such land located as it is, is of little use

to the Texas Prison Board, and the State will begin to get the use of the money as soon as the sale is made, and that it is desirable to make the sale in order to straighten the boundary line between the property of the Imperial State Prison Farm and the adjoining property of Benjamin Clayton, creates an emergency and imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three successive days in each House, and this act shall take effect and be in force from and after its passage, and that said rule be and the same is hereby suspended, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 1, 1929,

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 368, A bill to be entitled "An Act to create Hidalgo County Water Control and Improvement District No. 6, in Hidalgo County, Texas; validating and approving all orders made by the Commissioners' Court of said County in respect to the organization of said district; validating and approving the election held in said district on March 21, 1927, for the confirmation of the formation of said district and the issuance of Fifty Thousand Dollars in preliminary bonds and the levy of a tax in payment thereof; validating and approving the election held within said district on August 27, 1927, for the issuance of bonds in an amount not to exceed One Million Six Hundred Thousand Dollars, and levying of tax in payment thereof; evidencing proof of the publication of constitutional notice required in such cases; and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

STEVENSON, Chairman.

By Parr.

S. B. No. 368.

#### A BILL

#### To Be Entitled

An Act to create Hidalgo County Water Control and Improvement

District No. 6, in Hidalgo County, Texas; validating and approving all orders made by the Commissioners Court of said county in respect to the organization of said district; validating and approving the election held in said district on March 21, 1927, for the confirmation of the formation of said district and the issuance of fifty thousand dollars in preliminary bonds and the levy of a tax in payment thereof; validating and approving the election held within said district on August 27, 1927, for the issuance of bonds in an amount not to exceed one million six hundred thousand dollars, and levying of tax in payment thereof; evidencing proof of the publication of constitutional notice required in such cases; and declaring an emergency. Be it Enacted by the Legislature of the State of Texas:

Section 1. That Hidalgo County Water Control and Improvement District No. 6, of Hidalgo County, Texas, including within its limits the territory described and defined in that certain order of the Commissioners' Court of Hidalgo County, Texas, passed and adopted by said Court on February 21, 1927, recorded in Vol. 1, page 1, et seq. Water Control and Improvement Records of Hidalgo County, Texas, and also having the boundaries set out in the instrument recorded in the Deed Records of Hidalgo County, Texas, in Vol. 247, pages 161-163, is hereby created and established as a defined water control and improvement district, under the authority of Section 59, of Article 16 of the Constitution of the State of Texas, with like effect as though metes and bounds description thereof appeared herein, for the purpose of the control, storing, preservation and distribution of its storm and flood waters, the waters of its rivers and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage of its overflowed lands and other lands needing drainage, the conservation and development of its forests, water and hydro-electric power and the preservation and conservation of all such natural resources of the district. Said district is hereby declared to be a gov-

ernmental agency and a body politic and corporate with the powers enumerated in Chapter 25, Acts of the 39th Legislature, Regular Session and all acts amendatory thereof and with such other powers as are now or may be hereafter conferred by law upon similar districts.

Sec. 2. That the organization and establishment of said Hidalgo County Water Control and Improvement District No. 6 by the Commissioners' Court of Hidalgo County, by order dated February 21, 1927, recorded in Vol. 1, page 1, et seq. Water Control and Improvement Records of Hidalgo County, Texas, are hereby approved, validated, ratified and confirmed, and the power and authority of said Commissioners' Court to create said territory into a separate water control and improvement district and taxing district for the purposes enumerated in Section 1 of this Act are hereby in all respects delegated, ratified, approved, validated and confirmed.

Sec. 3. That the order of the Board of Directors of said district, entered on February 23, 1927, now recorded in Vol. 1, pages 1 to 4 of the Minutes of said Board of Directors, calling an election within and for such district to be held on March 21, 1927, for the purpose of confirming the organization of said District by vote of the qualified resident property tax-paying voters of said district and submitting a proposition for the issuance of preliminary bonds in the amount of fifty thousand dollars and the levy of a tax to pay the same and the interest thereon, and provide a sinking fund for the redemption thereof, and the published notice of said election, the form of ballot used at said election and the canvass of the vote cast at said election, as recorded in the Minutes of the Board of Directors of said District in Vol. 1, pages 11 to 15, and also in the Deed Records of Hidalgo County, Texas, in Vol. 247, pages 161-163, and said election itself held on March 21, 1927, are hereby in all respects legalized, approved, validated and confirmed.

Sec. 4. That the order of the Board of Directors of said District, made and entered April 21, 1927, now recorded in Vol. 1, pages 15 to 22 of the Minutes of said Board, issuing preliminary bonds in the sum

of fifty thousand dollars, and levying a tax to pay the interest on said bonds and creating a sinking fund sufficient to discharge them at maturity is hereby in all respects legalized, approved, validated and confirmed.

Sec. 5. That the order of the Board of Directors of Hidalgo County Water Control and Improvement District No. 6, entered on July 23, 1927, now recorded in Vol. 1, pages 27 to 31, of the Minutes of said board, calling an election within and for said district to be held on the 29th day of August, 1927, for the purpose of determining whether or not the legally qualified property tax paying voters of said district desired to authorize the issuance of bonds in an amount not to exceed one million six hundred thousand dollars and the levying of taxes in payment thereof, and the published notice of said election and the form of ballot used at said election and said election itself, which was held on August 29, 1927, and the order of said Board of Directors canvassing the vote cast at said election, as recorded in the Minutes of said Board of Directors in Vol. 1, pages 32 to 34, both inclusive, and the order of said Board of Directors, issuing bonds of said district in the amount of one million six hundred thousand dollars and levying a tax for the purpose of paying the interest on said bonds and of creating a sinking fund sufficient to discharge them at maturity, which said orders issuing said bonds and levying said tax are now recorded in Vol. 1, pages 34 to 38, both inclusive, of the Minutes of said Board are hereby in all respects legalized, approved, confirmed and validated.

Sec. 6. That the decree of the Honorable District Court of Travis County, Texas, 53rd Judicial District, made and entered on the 7th day of October, 1927, in Cause No. 44,280 on the docket of said Court, styled "Hidalgo County Water Control and Improvement District No. 6 versus Claude Pollard, attorney general of the State of Texas, and all other interested parties," which said decree expressly declares Hidalgo County Water Control and improvement district No. 6, to be a lawfully defined Water Control and Improvement district and a municipal corporation and validates said bond is-

sue of one million six hundred thousand dollars and the tax levied by the Board of Directors to pay the interest on said bonds and the principal thereof at maturity, which tax is an ad valorem tax upon all taxable property within said district subject to taxation, is hereby in all respects legalized, approved, confirmed and validated. A certified copy of said decree in said cause is now filed in the office of the Comptroller of Public Accounts of the State of Texas.

Sec. 7. That all orders, heretofore entered by the Board of Directors of Hidalgo County Water Control and Improvement District No. 6, authorizing the issuance of said fifty thousand dollars in preliminary bonds and one million six hundred thousand dollars in permanent bonds, prescribing the date and maturity thereof, the rate of interest borne by all said bonds and the place of payment of principal and interest of all of said bonds, and fixing the form of said bonds and the coupons thereto attached, and providing for the levy of ad valorem taxes upon the taxable property in said district sufficient to pay the interest on all said bonds and to produce a sinking fund for the redemption of all said bonds at maturity, are hereby in all respects legalized, confirmed, approved and validated.

Sec. 8. That the sale of all of said bonds which have been sold by the Board of Directors of Hidalgo County Water Control and Improvement District No. 6 is hereby legalized and validated and such bonds, so sold and delivered and all bonds of said issue of one million six hundred thousand dollars hereafter sold and delivered are hereby legalized and validated and constituted legal obligations of said district; and the taxes sufficient to pay the principal and interest upon all of said bonds, so sold, heretofore levied upon the valuation of taxable property in said district, according to the assessment made by the Tax Assessor and Collector of said District and approved by the Board of Equalization of said District, are hereby legalized and validated; and that taxes in an amount sufficient to pay the principal of and interest upon all said bonds sold and unsold now levied or which may be hereafter levied upon the valuation of taxable property in

said district, according to the value of taxable property therein, as determined by the Tax Assessor and Collector and by the Equalization Board of said district, are hereby found and fixed as the amount to be raised in said district for such purpose and constitute the basis for such taxation and the assessment and levy of such taxes is hereby legalized; and said taxes in an amount sufficient to pay the principal of and interest upon all said bonds now outstanding and upon all bonds which may be hereafter sold by the Board of Directors of said district, shall be annually levied and assessed by the Board of Directors of said district upon the value of taxable property in said district, as fixed by the Tax Assessor and Collector and by the Board of Equalization of said district, and the power to levy such annual general ad valorem taxes is hereby delegated to the Board of Directors of said district.

Sec. 9. That the Legislature of the State of Texas hereby exercises the authority conferred upon it by Section 59 of Article 16 of the Constitution of this State and declares said district, as above described, to have been legal and valid from the date of its formation by the Commissioners' Court of Hidalgo County, Texas, on February 21, 1927, and from the date when its formation was ratified and confirmed by an election held on March 21, 1927, and confirms and ratifies said acts and proceedings of said Commissioners' Court and of the Board of Directors of said district, with respect to said election, and confirms, ratifies and validates all acts of the Board of Directors of said district, authorizing the issuance and sale of all of the bonds and the levy of all taxes to pay the principal thereof and the interest thereon.

Sec. 10. Proof of publication of the constitutional notice required in the enactment of local and special laws has been made in the manner and form provided by law.

Sec. 11. The public importance of the purposes herein contemplated creates an emergency and an imperative public necessity, requiring a suspension of the constitutional rule requiring bills to be read upon three separate days in each House, and the said rule is hereby suspended and

that this act take effect and be in force from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, Feb. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 392, A bill to be entitled "An Act to amend Section 143, Chapter 25, General Laws of the 39th Legislature, as amended by Section 3 of Chapter 107, General Laws of the 40th Legislature, First Called Session, by inserting the words "the County or Counties in which each district is situated" in lieu of the words "the Board of Directors, supervisor or other governing body of such district," repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

STEVENSON, Chairman.

By Parr

S. B. No. 392

#### A BILL

#### To Be Entitled

An Act to amend Section 143, Chapter 25, General Laws of the 39th Legislature, as amended by Section 3 of Chapter 107, General Laws of the 40th Legislature, First Called Session, by inserting the words "the County Commissioners' Courts of the county or counties in which such district is situated" in lieu of the words "the Board of Directors, supervisor or other governing body of such district," repealing all laws in conflict therewith, and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. That hereafter Section 143, Chapter 25, General Laws of the 39th Legislature, as amended, by Section 23 of Chapter 107 of the 40th Legislature, First Called Session, be and the same is hereby amended so that it shall hereafter read as follows:

"Sec. 143. Any water improvement district, levy improvement district, irrigation district, or other conservation and reclamation

district heretofore organized, or hereafter to be organized, under the provision of Section 59, Article 16, or Section 52 of Article 3 of the State Constitution, may become and be converted into a water control and improvement district in the following manner: The County Commissioners' Courts of the County or Counties in which such district is situated shall adopt a resolution declaring that in their judgment it is for the best interest of such district, and will be a benefit to the lands and property included in said district to become a water control and improvement district, and to operate under the provisions of Article 16, Section 59, of the Constitution of Texas. Such resolution shall be entered in their minutes. Notice of the adoption of such resolution shall be given by publication thereof in a newspaper having general circulation in the county or counties in which the district is situated. Such notice shall be published once a week for two consecutive weeks. The first publication must appear not less than fourteen full days prior to the time set down for a hearing. Notice shall state the time and place of the hearing and shall set out the resolution in full. It shall notify all interested persons to appear and offer testimony for or against the proposal contained in the resolution. If upon a hearing the County Commissioners' Courts of the County or Counties in which such district is situated, find that it would be for the best interest of the district to be converted into a water control and improvement district, and would be a benefit to the lands and property situated in said district, then, and in that event, they shall enter their order so finding, and said district shall thereupon become a water control and improvement district. If they find that it would not be for the best interest of the district and would not be a benefit to the land and property situated in the district, they shall so find and enter their order against conversion of the district to a water control and improvement district. The findings of said County Commissioners' Courts shall be final and not subject to appeal or review. All water improvement districts, levee improvement districts and other districts referred to in this section which shall

become and be constituted a water control and improvement district under the provisions hereof shall be a conservation and reclamation district under the provisions of Section 59, Article 16 of the State Constitution and shall thereafter be governed by this Act, and any amendments hereof hereafter adopted, and shall have and may exercise all the powers, authority, functions and privileges herein provided in the same manner and to the same extent as if same had been organized under the provisions hereof."

Sec. 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Sec. 3. The fact that the Legislature desires to make adequate provisions for the conversion of the districts enumerated in this act, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and that this act shall take effect and be in force from and after the passage thereof, and it is so ordained.

Committee Room,

Austin, Texas, Feb. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 393, A bill to be entitled "An Act to provide for the conversion of navigation districts created and organized under Section 52, of Article 3, of the Constitution of the State of Texas, into navigation districts under the Reclamation and Conservation provisions of Section 59 of Article 16, of the Constitution; defining and declaring the powers of all navigation districts heretofore organized and created or hereafter organized and created irrespective of the law under which they were created; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

STEVENSON, Chairman.

By Parr.

S. B. No. 393.

## A BILL

## To Be Entitled

An Act to provide for the conversion of navigation districts created and organized under Section 52 of Article 3, of the Constitution of the State of Texas, into navigation districts under the reclamation and conservation provisions of Section 59 of Article 16, of the Constitution, defining and declaring the powers of all navigation districts heretofore organized and created or hereafter organized and created, irrespective of the law under which they were created, and declaring an emergency."

Be it Enacted by the Legislature of the State of Texas:

Section 1. Any navigation district heretofore organized or hereafter to be organized under the provisions of Section 52 of Article 3 of the State Constitution may become and be converted into a navigation district under Section 59, Article 16, of the State Constitution in the following manner: The Navigation Board of such district shall adopt a resolution declaring that in its judgment it is for the best interest of such district and will be a benefit to the lands and property included in said district to become a navigation district operating under the provisions of Article 16, Section 59, of the Constitution of Texas, and calling a hearing on said proposal. Such resolution shall be entered in the Minutes of said Board. Notice of the adoption of such resolution shall be given by publication thereof in a newspaper having general circulation in the County or Counties in which the District is situated, which notice shall be published once a week for two consecutive weeks and the first publication must appear not less than fourteen days prior to the time set down for a hearing. Such notice shall state the time and place of the hearing and shall set out the resolution in full. It shall notify all interested persons to appear and offer testimony for or against the proposal contained in the resolution. If upon a hearing the Navigation Board finds that it would be for the best interest of the District and would be a benefit to the lands and property situated in said District for said Dis-

trict to be converted into a Navigation District under Section 59 of Article 16 of the Constitution of Texas, then and in that event said Board shall enter its order so finding; and said District shall thereupon become a Navigation District operating under the provisions of Article 16, Section 59 of the Constitution of this State. If said Navigation Board finds that it would not be to the best interest of the District and would not be a benefit to the lands and property situated in the District, it shall so find and enter its order against the conversion of the District as proposed. The finding of said Navigation Board shall be final and not subject to appeal or review. All Navigation Districts so converted as provided herein shall become and be constituted Conservation and Reclamation Districts, under the provision of Section 59, Article 16, of the State Constitution, and shall thereafter be governed by said provision and any amendments thereafter adopted, and Chapter 5 of the Acts of the Thirty-ninth Legislature, 1925, and all amendments thereto, and shall have and may exercise all the powers, authority, functions and privileges in the same manner and to the same extent as if said Navigation District had been originally organized under the provisions of Section 59, Article 16 of the Constitution of Texas.

Sec. 2. Nothing in this act shall be so construed as depriving any Navigation District so converted of any of the powers conferred on said District by the law or laws under which it was organized, but said District so converted shall have all of the powers conferred upon it under said law or laws under which it was organized and shall in addition thereto have all of the powers and jurisdiction conferred upon districts originally organized under Section 59 of Article 16 of the Constitution and Chapter 5 of the Acts of the Thirty-ninth Legislature, 1925, and amendments thereto; and in the event there is any conflict between the provisions of Chapter 5, of the Acts of the Thirty-ninth Legislature, 1925, and the act under which said District was organized the provisions of Chapter 5 of the Acts of the Thirty-ninth Legislature, 1925, shall control. There being some question as to the powers conferred on Navigation Dis-

tricts under the different acts heretofore passed, it is hereby declared that all navigation districts, heretofore created or hereafter to be created, under any of the acts of the Legislature authorizing the creation thereof, have and by this act are granted, and shall have all of the powers conferred by Articles 8229, 8237, 8238, 8239, 8240, 8241, 8242, 8243, and 8245, Title 128, Subdivision V, Chapter 9, Section 2A, Revised Civil Statutes of 1925, and all amendments thereto, regardless of whether or not there is a city of 100,000 inhabitants or more within the boundaries of said Districts, and all acts of said Districts in heretofore exercising any of such powers are hereby validated. The enumeration of any particular powers herein shall not be construed as a limitation upon the powers conferred but the Navigation and Canal Commissioners of said Districts shall have the fullest powers, control and jurisdiction, consistent with the State and Federal Constitution, of all water-shipping and navigation, the regulation of wharfage, and of all facilities of or pertaining to waterways and navigation within said districts. The Navigation and Canal Commissioners of such Districts shall constitute a Pilot Board with all of the powers and duties provided for in Section 2B, Title 128, Subdivision V, Chapter 9, in the same manner as therein provided for navigation districts having within their confines a city of a hundred thousand inhabitants or more.

Sec. 3. The provisions of this act shall be cumulative of all other acts heretofore enacted into law with reference to the organization and operation of navigation districts. In case of any conflict the provisions of this act shall control.

Sec. 4. If any part of this act shall be held to be unconstitutional, such holding shall not affect any other provision of the the act not so held to be unconstitutional.

Sec. 5. The fact that there is now no law permitting the converting of navigation districts heretofore organized under Section 52 of Article 3 of the Constitution, into conservation and reclamation districts under Section 59 of Article 16, and that some confusion exists because of the fact that the powers intended to be exercised by Navigation Dis-

tricts are not fully set forth in the law of their creation, creates an emergency and imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be and the same is here suspended and that this act take effect and be in force from and after the passage thereof, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 1, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 407, A bill to be entitled "An Act to amend Article 2784, Revised Civil Statutes, 1925, to fix the maximum rate of tax to be levied for school purposes in all school districts including independent districts, consolidated districts, rural high school districts and common school districts organized under general or special laws; repealing all laws in conflict herewith, both general and special; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HORNSBY, Vice-Chairman.

By Hyer.

S. B. No. 407.

#### A BILL

#### To Be Entitled

An Act to amend Article 2784 Revised Civil Statutes, 1925, to fix the maximum rate of tax to be levied for school purposes in all school districts including independent districts, consolidated districts, rural high school districts, and common school districts organized under general or special laws; repealing all laws in conflict herewith both general and special; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. That Article 2784, Revised Civil Statutes, 1925, be amended so as to hereafter read as follows:

Article 2784. The Commissioners' Court for the common school districts in its counties and the district school trustees for the independent



school districts incorporated for school purposes only, either by general or special law and the city council or commission of any city which has heretofore assumed control of its public schools shall have the power to levy and cause to be collected the annual taxes and to issue the bonds herein authorized subject to the following provisions:

1. In common school districts, for the further maintenance of public free schools and the erection and equipment of school buildings therein, a special tax; and in independent districts for the maintenance of schools therein, an ad valorem tax not to exceed one dollar and fifty cents on the one hundred dollars valuation of taxable property of the district.

2. In common school and independent districts, for the purchase, construction, repair or equipment of public free school buildings within the limits of such districts and the purchase of the necessary sites therefor, a tax not to exceed fifty cents on the one hundred dollars valuation, such tax to be for the payment of the current interest on and provide a sinking fund sufficient to pay the principal of bonds which said districts are empowered to issue for such purposes.

3. The amount of maintenance tax, together with the amount of bond tax of any district, shall never exceed one dollar and fifty cents on the one hundred dollars valuation of taxable property; and if the rate of bond tax, together with the rate of maintenance tax voted in the district, shall at any time exceed one dollar and fifty cents on the one hundred dollars valuation, such bond tax shall operate to reduce the maintenance tax to the difference between the rate of the bond tax and one dollar and fifty cents.

4. No tax shall be levied, collected, abrogated, diminished or increased, and no bond shall be issued hereunder until such action has been authorized by a majority of the votes cast at an election held in the district for such purpose, at which none but property tax-paying qualified voters of such district shall be entitled to vote.

5. All property assessed for school purposes in a common school district shall be assessed at the rate of value

of property as said property is assessed for State and county purposes.

Sec. 2. All laws and parts of laws, both general and special, in conflict herewith are hereby repealed.

Sec. 3. The importance of this legislation and the crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended and that this Act shall be in force and take effect from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, Feb. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 411, A bill to be entitled "An Act regulating the making of bonds by depositories of school funds in independent school districts which embrace within their boundaries cities having a population of seventy-five or more according to the United States Census of 1920, and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HORNSBY, Vice-Chairman.

By Hyer.

S. B. No. 411.

#### A BILL

#### To Be Entitled

An Act regulating the making of bonds by depositories of school districts which embrace within their boundaries cities having a population of 75,000 or more according to the United States census of 1920, and repealing all laws in conflict herewith, and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. In any independent school district in this State now existing or hereinafter to be created (other than a city which has assumed control of the schools within its limits) which embraces within its boundaries a city having a population of seventy-five thousand or more ac-

According to the United States census of 1920, the depository of the school fund shall be that banking corporation situated within said district which offers satisfactory bond and the best bid of interest on the average daily balances for the privilege of acting as such depository. The depository when thus selected shall serve for a term of two years and until its successor shall have been duly selected and qualified, and it shall be required to give bond in an amount equal to the estimated amount of the total receipts coming annually into its hands. Said bonds shall be made payable to the president of the Board and his successors in office, conditioned for the faithful discharge of the depository's duties and the payment of the funds received by it upon the draft of the president of the school board drawn upon order of the Board of Trustees duly entered. Said bond shall be further conditioned that the depository shall safely keep and faithfully disburse all funds coming into its hands as depository, and shall faithfully pay over to its successor all balances remaining in its hands. It shall be approved by the School Board, and the State Department of Education shall be notified of the depository by the president of the School Board filing a copy of said bond in said department. Before such bond is approved by the school board it shall be signed by a surety company authorized to transact business in Texas or by at least five individual sureties satisfactory to the School Board, or, if signed by the depository only, it shall be secured by the depository delivering for that purpose to the School Board bonds or securities owned by such depository in an amount equal to the penal sum named in the bond so given by such depository, which bonds or securities so pledged shall be satisfactory to the School Board and shall belong to one or more of the classes of securities in which the laws of Texas then in force authorize the sinking funds of independent school districts to be invested.

Sec. 2. All the laws and parts of laws, whether general or special, in conflict herewith are hereby repealed to the extent of such conflict and no further.

Sec. 3. The fact that certain in-

dependent school districts of the class above defined are now being subjected to needless expense in connection with the bonding of their depositories or treasurers and are being required to select same annually creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby, suspended, and that this act take effect and be in force from and after its passage, and it is hereby so enacted.

## NINETEENTH DAY.

(Continued.)

### After Recess.

The Senate was called to order at 10 o'clock Saturday morning, pursuant to recess, by Lieutenant Governor Barry Miller.

### Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 186.    S. B. No. 185.  
S. B. No. 83.    S. B. No. 172.

### Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Feb. 2, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 16, Requesting the return of S. J. R. No. 7 to the Senate for further consideration.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

### Bills and Resolutions.

By Senator Cousins:

S. B. No. 415, A bill to be entitled "An Act providing for the centralization of the Texas Prison System; increasing the duties, powers and functions of the Texas Prison Board;